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March 4, 2024

File Ref: SCH # 2024020006

Connor Hyland
Senior Deputy City Attorney
City of Huntington Beach
Office of the City Attorney
2000 Main Street, Fourth Floor
Huntington Beach, CA 92648
connor.hyland@surfcity-hb.org

**Subject: Notice of Preparation for a Draft Environmental Impact Report for the
Pacific Airshow Huntington Beach Project, Orange County**

Dear Connor Hyland,

The California State Lands Commission (Commission) staff has reviewed the Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) for the Pacific Airshow Huntington Beach (Project or Airshow), which is being prepared by the City of Huntington Beach (City). The City, as the public agency that must issue a permit for the Project through their Specific Event Permit Process, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). Pacific Airshow LLC is applying for the permit and is proposing to carry out the Project. The Commission is a trustee agency for projects that could directly or indirectly affect State sovereign land and their accompanying Public Trust resources or uses. Additionally, because the Project involves work on State sovereign land, the Commission will act as a responsible agency. Commission staff requests that the City consult with us on preparation of the DEIR as required by CEQA section 21153, subdivision (a) and the State CEQA Guidelines section 15086, subdivisions (a)(1) and (a)(2).

Staff contacted the City and event operator by letter in August 2023 (see attached 2023 letter) regarding the requirement for a Commission lease or lease amendment for the use of sovereign lands for the 2023 Airshow, as well as concerns regarding Airshow impacts on the Bolsa Chica Ecological Reserve

(BCER), which is owned and managed by the Commission. In February 2024, staff again sent letters to the City and event operator (see attached 2024 letter). As previously stated by letter to the City, staff requested coordination with the City and operator to reach a mutually satisfactory resolution on these matters and to achieve a satisfactory approach for the conduct of future Pacific Airshows. As part of the Commission's effort to work with the City, staff offers these comments on the NOP and Initial Study (IS).

Commission Jurisdiction and Public Trust Lands

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the state for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low-water mark and a Public Trust easement landward to the ordinary high-water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

After review of the information contained in the NOP, there are several components of the Project that would require Commission authorization. The Commission authorized Lease PRC 6616, a General Lease – Public Agency Use, to the City for the operation and maintenance of an existing municipal pier (Huntington Beach Pier or Pier) and related concessions. That lease was authorized for a term of 25 years, beginning June 21, 2018. Staff is aware that the proposed Project will utilize the Pier. The City's lease acknowledges that the Lease Premises, including the Pier, are subject to the Public Trust and are available to members of the public. If the City proposes to close a portion of the pier within the Lease Premises to the general public, the City must obtain

Commission authorization through the form of an amendment to the existing lease or issuance of a new lease.

Another component of the proposed Project includes the placement of 16 large white buoys along a 12,000-foot line to be located 500 and 1,500 feet offshore, marking the Airshow Performance Area. This area would restrict public access and water-dependent recreation, including boating, during the event; such a restriction is not authorized by the City's lease. The lands waterward of the ordinary high-water mark remain ungranted sovereign lands under the management of the Commission. The placement of the buoys would constitute an additional encroachment on these sovereign lands, and in the absence of Commission authorization would constitute a trespass subject to the Commission's enforcement authority (Pub. Resources Code, §§ 6216.1, 6224.3 et seq., 6301, 6303.1; 2 CCR § 3002). Therefore, the placement of the buoys in the ocean will require Commission authorization.

The proposed Project also includes a helicopter landing/runway display on a temporary helipad to be generally located within an open area directly in front of the Main Hospitality Area during the hours of the airshow. However, based on the current Project information, the proposed runway may encroach waterward of the ordinary high-water mark and within sovereign land subject to the Commission's leasing jurisdiction. In addition, construction activities associated with the proposed runway may temporarily encroach on sovereign land and require Commission authorization. Please provide staff with more detailed Project plans that show the specific proposed location of the landing/runway.

Therefore, the proposed Project will require an application for an amendment of the existing lease or a new lease. Information on the Commission's leasing process can be found online at www.slc.ca.gov/leases-permits/, the online application can be found at www.oscar.slc.ca.gov/, and any related questions can be directed to Mr. Kelly Connor (contact information below).

In addition, the Commission owns approximately 1,200 acres of sovereign lands in the BCER located within the Project's Temporary Flight Restriction (TFR) Area. The Commission leases these lands to the California Department of Fish and Wildlife (CDFW) for on-site management. Additionally, the Commission, along with five other state and federal agencies informally referred to as the Bolsa Chica Steering Committee, provides overall management oversight of the BCER.

Project Description

Pacific Airshow LLC proposes the Pacific Airshow Huntington Beach Project to meet the following objectives and needs:

- Provide a spectacle-scale airshow in Huntington Beach that attracts attendees throughout the Southern California area and beyond.
- Feature civilian and military aircraft flybys and aerial acrobatics, air racing; and helicopter, electric vehicle, drone, and emerging aviation/mobility technology displays.
- Provide visitor-serving entertainment, services, and amenities.
- Provide an event that reduces potential impacts to the surrounding sensitive habitat including the Bolsa Chica Ecological Reserve, the Huntington Beach Wetlands, the Magnolia Marsh, and special-status wildlife species such as the federally endangered California least tern and western snowy plover.

From the Project Description, Commission staff understands that the Project would include the following components that have potential to impact State sovereign land and Public Trust resources:

- Practice flyovers and flight paths: Practice flyover events are proposed to begin the Monday before the start date of the Pacific Airshow event.
- Airshow event activities: Aerial event activities are proposed to take place over a 3 to 5-day period. Event activities include daytime and nighttime events which start at 10:30 AM and nighttime flyovers and/or parachute jumps planned to take place during the evening hours.
- Beach Airstrip: The IS states that a helicopter landing/runway display activity (pg. 2-8) will be held on a temporary airstrip built out on the beach in front of the Main Hospitality Area (pg. 2-11).
- Pyrotechnic nightly shows: A nighttime proposed activity (pg. 2-8) that may be discharged from flyover aircraft, the Huntington Beach Pier, or an ocean barge.
- Event amenities: Event amenities, such as food trucks, wave pool, demonstrations, competitions, drones, and additional events.
- Trash containment and removal: Containment and removal of trash during the event and following the breakdown of the event.
- Single-use plastics: Event vendors providing services and amenities during the event will be strongly encouraged to not use plastic by the Project Sponsor (pg. 2-14).

Environmental Review

Commission staff requests that the City consider the following comments when preparing the DEIR to ensure that impacts to State sovereign land and Public Trust resources are adequately analyzed.

General Comments

1. Project Description: The Project description (PD) provided in the IS discusses former airshow events as well as future proposed airshow events that would include an expansion of the event from 3 to up to 5 days, with later event stop times (10 PM to 11 PM), and would include many additional proposed activities (e.g., pyrotechnic shows, nighttime music festival). The IS states that the performers and types of aerial activities are likely to change each year (pg. 2-10). The Project description for future airshow events is currently broad and lacks pertinent details for evaluating environmental impacts from all the proposed Project activities. All proposed activities and their environmental impacts must be evaluated in the DEIR. In addition, the DEIR must identify and describe the most impactful combination of activities that could possibly occur (the "worst-case scenario") and carry forward the full environmental impact analysis for that scenario.

A thorough and complete PD should be included in the DEIR to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives. The PD should be as precise as possible in describing the details of all allowable activities that originate within or outside the IS's identified Project area (e.g., flight paths from origin airports for practice and event airshow activities, types of aircraft, maximum area of impact, locations of activities within the Project area, etc.), as well as the details of the timing and length of activities. Thorough descriptions will facilitate Commission staff's determination of the extent and locations of its leasing jurisdiction, make for a more robust analysis of the work and activities that may be performed, and minimize the potential for subsequent environmental analysis to be required.

2. Project Description – Project Area: The IS states on pg. 2-1 that "The Show Center Area and Airshow Performance Area collectively comprise of the Project Site." However, many Project-related activities (e.g., Project-related flights) also occur within the Project's "temporary flight restriction (TFR) airspace" defined on pg. 2-1 as the "five nautical mile (NM) ring centered on the center of the Airshow's aerobatic box." For purposes of the DEIR, the definition of the Project Site should be expanded to encompass the TFR area. At a minimum, the DEIR should clearly identify a Project Study Area to include the Show Center Area, the Airshow Performance Area, and the 5 nautical mile TFR ring and fully describe and analyze all Project activities and impacts within. Staff encourages the City to work with Pacific Airshow LLC to incorporate Project design changes in the DEIR to avoid sensitive areas like the BCER and that include minimum flight altitude restrictions.

In addition, the IS does not include the locations of the various event amenities within the Project area. Staff recommends having specific locations for these event amenities described in the DEIR.

3. CEQA Document: If the City is unable to identify a worst-case scenario for Project-level EIR analysis (see comment #1, above), then staff suggests that the City consider using a programmatic environmental impact report (PEIR). A PEIR may be more appropriate than a Project EIR to provide for flexibility in evaluating various activities or components during the projected 10-year timeline for the Pacific Airshow. In addition, a PEIR may allow for future CEQA documents and subsequent environmental impact analyses to evaluate any event activities that are not currently identified.
4. Required Approvals: Staff notes that the IS omits the Commission from the list of public agencies with approval authority over the Project. In the DEIR's Review and Approvals section, please include: 1) the Commission's Responsible agency review of the Final EIR and adoption of an independent Mitigation Monitoring Program, and 2) Approval of a State Lands Lease(s) and/or Lease Amendment. In the DEIR's list of public agencies whose approval is required, please include the Commission as a CEQA Responsible Agency.
5. Helipad/Temporary airstrip: The DEIR should expand upon the IS's description of the helicopter landing/runway display (IS pgs. 2-5, 2-8, 2-10, and 2-11) and clarify that the airstrip may be used for planes as well as helicopters. A recent February 15, 2024, media event promoting the Project featured Airshow operator Kevin Elliott and the City's Mayor each arriving at the beach on small planes. Local media covering the event reported, "For this year's air show, event organizers will construct a temporary runway on the beach where planes will land and take off right in front of spectators."¹ In addition, the IS states on pg. 2-8 that the temporary helipad will be constructed in front of the Main Hospitality Area to provide a landing/runway area for aerial performances. The DEIR should provide a robust description of the construction of this runway or airstrip and include the estimated depth of excavation, as repeated references to this project component in the IS describe construction activities as simply "at or near-grade on the sand" (pg. 3-19).

Biological Resources

6. Bolsa Chica Ecological Reserve and Special Status Species: BCER is home to over twenty-two special status species and is designated by the U.S. Environmental Protection Agency as a critical flyway for migratory birds. Pg. 2-6 of the IS states that "Preliminary Project objectives include" providing "an event that reduces potential impacts to the surrounding sensitive habitat

¹ Orange County Register, "[Huntington Beach air show will land planes on the beach for this year's event](https://www.ocregister.com/2024/02/15/huntington-beach-air-show-will-land-planes-on-the-beach-for-this-years-event/)" (Feb. 15, 2024) (<https://www.ocregister.com/2024/02/15/huntington-beach-air-show-will-land-planes-on-the-beach-for-this-years-event/>).

including the Bolsa Chica Ecological Reserve, the Huntington Beach Wetlands, the Magnolia Marsh, and special-status wildlife species such as the federally endangered California least tern and western snowy plover."

However, to accomplish this objective, the DEIR must analyze the Project's potential impacts on these sensitive habitats and formulate enforceable mitigation measures to address the CDFW on-site management team's documented impacts on BCER that have occurred during past Airshows as stated in the August 25, 2023, joint letter from the Commission and CDFW, to the City and airshow operator, Code Four (see attached 2023 letter). While pg. 2-10 of the IS states that "many of the aircraft...seldom fly over land...", this statement conflicts with multiple observations over multiple years, as referenced in the letters sent by Commission on August 25, 2023, and February 20, 2024, to the City and the airshow operator. These letters document incidents during the 2021, 2022, and 2023 airshows of repeated low flyovers by the airshow jets that caused disruptions in the normal behavior patterns of many bird species, including feeding and sheltering, at BCER. These repeated low flyovers harassed the bird populations and caused them to take flight each time the airplanes flew over. This action is considered a "take" and is in violation of California Code of Regulations, title 14, section 251.1 and U.S. Fish and Wildlife regulations 50 CFR 17.3. Additionally, under sections 550, 630 (18), and 632 (121), (122) of title 14, no aircraft operations are permitted in a reserve, and low flyovers are in violation. The sound pollution and overhead flights pose a threat to birds and other wildlife. The BCER is a critical stopover along the Pacific Flyway for hundreds of migratory bird species which are protected under the Migratory Bird Treaty Act of 1918 (MBTA, 16.U.S.C §§ 703-712) and include threatened and endangered species which are protected under the Federal Endangered Species Act of 1973 (16 U.S.C §§ 1531-1544), and the California Endangered Species Act of 1970 (Fish & G. Code, Ch. 1.5, §§ 2050-2115.5).

The DEIR should include an evaluation of noise and vibration impacts on fish, birds, and other wildlife from the event's operations activities (practice flyovers and aerial events, pyrotechnic shows, amplified sound, etc.) within the Project radius (5-mile TFR radius centered on the airshow performance area, IS Figure 3), which includes BCER. To support the DEIR's noise and vibrations analyses and environmental impact significance determinations, staff expects the document to also include representative flight paths for practice flyover and aerial event performances.

7. Existing and Regulatory Settings: For all land under the Commission's jurisdiction, the DEIR must disclose and analyze all potentially significant effects on sensitive species and habitats in and around the Project Site, including special status wildlife, fish, and plants, and if appropriate, identify

feasible mitigation measures to reduce those impacts. The City should conduct queries of the CDFW's California Natural Diversity Database and U.S. Fish and Wildlife Service's (USFWS) Special Status Species Database to identify any special status plant or wildlife species that may occur in the Project area. The DEIR should also include a discussion of early consultation with the CDFW, USFWS, and National Marine Fisheries Service (NMFS), as applicable, and identify any potentially required permits identified by these agencies.

Additionally, the DEIR's regulatory setting for Biological Resources should include discussion of CDFW regulations prohibiting the use of any "aircraft, hovercraft, or hot air balloon" in Ecological Reserves and other CDFW sites without first obtaining a CDFW Special Use Permit ([Cal. Code Regs., tit. 14, § 550 \(aa\)](#)). The regulatory setting should also include other relevant laws and regulations pertaining to aircraft restrictions in CDFW sites.²

8. Drones: The IS states that drone and similar small aircraft technology will be flown as part of the Project, including on pg. 2-8 ("Aircraft static, EV, drone and other urban air mobility (UAM) technology displays and aerial competitions to occur") and pg. 2-9 ("The Applicant would conduct scheduled drone flights throughout the event days for capture of event promotional footage and documentation of event layouts in various areas"). The DEIR should include analysis of potential impacts should drones and similar technology stray into the BCER and include mitigation measures to avoid such impacts. Mitigation could include, but not be limited to, requiring Airshow UAM operators to utilize the FAA's B4UFly app. See [CDFW Wildlife Areas and Ecological Reserves Added to FAA's Drone Mobile App](#) (<https://wildlife.ca.gov/News/Archive/cdfw-wildlife-areas-and-ecological-reserves-added-to-faas-drone-mobile-app#gsc.tab=0>). A recent example of drone impacts occurred on May 12, 2021, when an illegally operated drone crashed in the BCER, resulting in approximately 3,000 Elegant Terns leaving their nesting grounds and abandoning an estimated 2,000 eggs,³ resulting in a massive reproductive loss for the species, which has only four known nesting sites left on earth.⁴
9. Trash/Trash Removal: The DEIR should include best management practices and mitigation measures to ensure trash, including streamer drops from the Pacific Airshow's opening ceremonies, will be properly contained for the

² Including but not limited to section 3503 of the Fish and Game Code and California Code of Regulations, title 14, sections 251, 251.1.

³ See CDFW webpage, [Legal and Responsible Drone Operations: Wildlife Disturbance](#) (<https://wildlife.ca.gov/Drones>).

⁴ National Public Radio, "[A Single Drone Has Harmed A Generation Of Wildlife](#)" (June 22, 2021) (<https://www.npr.org/2021/06/22/1008986922/a-single-drone-has-harmed-a-generation-of-wildlife>).

duration of the event and not overflow to the surrounding beach, water, and greater coastal area, including BCER. Trash can present environmental hazards to species through exposure or ingestion and lead to degradation of habitat. Staff also strongly encourages the Project sponsor to not only “strongly encourage,” but require event vendors to avoid single-use plastics (i.e., carry-out bags, cutlery), to the extent feasible, as they are a danger to wildlife (e.g., ingestion, entanglements, etc.).

Air Quality

10. Criteria Pollutants: The IS identified a potentially significant impact to air quality, during the Pacific Airshow’s operations phase, from a net increase of criteria pollutants. However, the IS also determined that “There would be no potential for construction or construction-related ground disturbance generating net new emissions or net new increase in short-term construction employment.” (p.3-10) and “There would be no potential for construction or construction-related ground disturbance generating a considerable net increase in emissions of ozone precursors (VOC and NOX), PM10, and PM2.5. / No further analysis of this issue in the EIR is required.” (p. 3-11) The IS also notes that the Project would include constructing a temporary airstrip on the beach in front of the Main Hospitality Area. Commission staff expects the City to include in the DEIR emissions modeling results for both construction- and operations-related criteria pollutant emissions as well as the associated impact analyses and feasible mitigation measures.
11. Air Quality Management Plan – existing non-attainment: The IS identified a less than significant impact when evaluating conflicts with or obstructions to the South Coast Air Quality District’s (District) Air Quality Management Plan (AQMP). The District provides criteria to evaluate a Project’s consistency, which includes “Criterion 1: Will the project result in any of the following: – An increase in the frequency or severity of existing air quality violations...” (p. 3-9). For those criteria pollutants where the region is already in non-attainment, the IS does not adequately discuss why a Project that creates a potentially significant impact by increasing the emission of criteria pollutants (pg. 3-11) does not also create an increase in the frequency and/or severity of the existing non-attainment violations. In addition, the IS artificially and improperly restricts new emissions to those occurring from “on-site” activities (“The competitions and art installations would not result in new emissions from on-site activities. The temporary event structures would also be similar in scale and location to previous Airshows since 2016 (except in 2020) and would not result in new emissions from on-site activities.”)(*Id.*) By extending the airshow festival length and adding potential activities, the proposed Project does contemplate an increase in criteria pollutant emissions over any potential

CEQA baseline. The extended airshow festival will result in increased aircraft emissions that should be carried forward and analyzed in the DEIR.

Please also consider including emissions evaluations from idling cars sitting in traffic that could contribute to air quality impacts. The DEIR should thoroughly describe the impact of the Project on air quality and the efforts to avoid, minimize, and mitigate those impacts. Staff recommends the inclusion of traffic mitigations to help reduce further impacts to air quality.

Recreation

12. Public Access: The IS states on pg. 2-10 that "Access to the pier ocean ward [sic] of the seating area shall remain open to the public" and on pg. 2-12, "Public access (for non-ticket holders) to the Pier would remain open during future Airshows. Only a portion of the Pier would be reserved for seated ticketholders and pier ingress and egress would still be provided." Regarding coastline access, the IS states at pg. 3-41 that "vertical and horizontal access to the coastline would be maintained throughout the duration of the event." While the IS evaluates physical deterioration related to beach activity and beach use (pg. 3-50), the Recreation discussion does not include potential impacts to public use of and recreational opportunities on the beach or pier. As the City is not restricted to those questions suggested within the CEQA Guidelines, Appendix G checklist, please include the following impact question as part of the DEIR's recreation analysis: "Would the project interfere with existing public use of and recreational opportunities related to the pier and beach?" As part of the analysis, the document should detail, both in text and in diagrams and/or pictures, how public access to the pier and beach will be maintained. Staff recommends that the City consider incorporating public access monitors as potential mitigation to ensure that Project activities do not inhibit or discourage access to public beaches and the Huntington Beach Pier.

Hazardous Materials

13. Hazards and Hazardous Materials: Although the IS determined that there were no potentially significant impacts from reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (pg. 3-32), the Project has a potential significant impact related to Hazards and Hazardous Materials that should be further evaluated in the DEIR. For example, despite the statement on pg. 2-5 that no oil drilling or oil extraction occurs "within the nearby vicinity," numerous onshore oil wells and related pipelines are nearby, in addition to wells in and adjacent to the BCER. In fact, as the IS notes (pg. 2-5), the 2021 airshow was cut short by an oil spill originating from an offshore oil pipeline. While that particular incident represented an impact on the Airshow from existing activities, the converse is

also reasonably foreseeable, as the Project has the potential to exacerbate existing environmental risks due to the performance of high-risk aerobatic flights over active oil fields, including those in the BCER (*California Bldg. Indus. Ass'n v Bay Area Air Quality Mgmt. Dist.* (2015) 62 Cal.4th 369, 377, 388-389.). Such overflights have occurred repeatedly in past years' airshows, despite the statement in the IS that airshow aircraft "seldom fly over land" (pg. 2-10). Thus, the reasonably foreseeable potential significant impact of an aircraft accident triggering an oil or hazardous material spill should be analyzed in the DEIR, along with avoidance strategies (for example, by avoiding overflights of BCER) and/or mitigation measures.

The IS states at pg. 2-9 that streamer drops are anticipated as part of the opening ceremony on each day of the Airshow. The DEIR should describe and analyze the potentially significant impact that could occur should streamers land on power lines in the BCER and start a fire. During the 2022 Airshow, streamer drops resulted in streamers landing in the BCER near powerlines, leading the BCER CDFW on-site manager to contact Commission staff with concerns about the risk of fire in the active oil field within the BCER. Please see the previous paragraph as well as comment #1, *Project Description*, for suggestions on Project design changes and requests for mitigation measures.

Tribal Cultural Resources

14. Consideration of Tribal Cultural Resources: The IS identifies potentially significant impacts to Tribal Cultural Resources (pg. 3-54) but reports that the Project activities would not result in any permanent structures and that no excavations, grading, or trenching would be associated with the construction phase. The inclusion of a beach airstrip in the Project area challenges this conclusion. AB 52 includes both procedural *and* substantive requirements, including the requirement that lead agencies strive to avoid significant adverse changes to tribal cultural resources, regardless of whether consultation is requested or occurs, and incorporate mitigation measures recommended by tribes unless the lead agency determines those suggestions are not feasible. Please note that it is the Commission's broader policy to go beyond the requirements of AB 52 by conducting outreach and consultation with all tribes culturally affiliated with a Project area, as determined by the Native American Heritage Commission, for a proposed Project that may have significant effects on tribal cultural resources. The Commission strongly encourages early, frequent, and meaningful engagement with all culturally affiliated tribes that may be affected by this Project.

Alternatives

15. Alternatives: Staff recommends the inclusion of a no-Project alternative to provide a baseline for establishing environmental conditions in the Project area. Additionally, if the PD is not revised to specify no overflights will occur over the BCER, then staff recommends the City identify and analyze an alternative which excludes flight paths over the BCER, to potentially reduce the level of impacts to State and Federally protected species. In addition to describing mitigation measures that would avoid or reduce the potentially significant impacts of the Project, the City should identify and analyze a range of reasonable alternatives to the proposed Project that would attain most of the Project objectives while avoiding or reducing one or more of the potentially significant impacts (see State CEQA Guidelines, § 15126.6).

Environmental Justice

16. Environmental Justice: Environmental Justice is defined by California law as “the fair treatment and meaningful involvement of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” (Gov. Code § 65040.12) This definition is consistent with the Public Trust Doctrine’s principle that management of trust lands is for the benefit of all people. The Commission adopted an updated [Environmental Justice Policy and Implementation Blueprint](#) in December 2018 to ensure that environmental justice is an essential consideration in the agency’s processes, decisions, and programs. The twelve goals outlined in the Policy reflect an urgent need to address the inequities of the past, so they do not continue. Through its policy, the Commission reaffirms its commitment to an informed and open process in which all people are treated equitably and with dignity, and in which its decisions are tempered by environmental justice considerations.

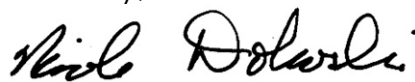
Although not legally required in a CEQA document, Commission staff suggests that the City include a section describing the environmental justice community outreach and engagement undertaken in developing the DEIR and the results of such outreach. The California Office of Environmental Health Hazard Assessment developed the [CalEnviroScreen](#) mapping tool to assist agencies with locating census tracts near proposed Projects and identifying the environmental burdens, should there be any, that disproportionately impact those communities. Environmental justice communities often lack access to the decision-making process and experience barriers to becoming involved in that process. It is crucial that these communities are consulted as early as possible in the Project planning process. Commission staff strongly recommends using the [CalEnviroScreen](#)

tool and then, as applicable, reaching out through local community-based organizations, such as [Communities for a Better Environment](#) and [Orange County Environmental Justice](#). Engaging in early outreach will facilitate more equitable access for all community members. In this manner, the CEQA public comment process can improve and provide an opportunity for more members of the public to provide input related to environmental justice. Commission staff also recommends incorporating or addressing opportunities for community engagement in mitigation measures. Furthermore, a key goal in the Commission's Environmental Justice Policy and Implementation Blueprint is increasing and supporting equitable public access, as discussed in comment #12, above. Commission staff recommends the City consider environmental justice communities in their analysis. Commission staff will review the environmental justice outreach and associated results as part of any future Commission action.

Thank you for the opportunity to comment on the NOP for the Project. As a trustee and responsible agency, Commission staff requests consultation on this Project and to be kept advised of changes to the Project Description and all other important developments. Please send additional information on the Project to the Commission staff listed below as the DEIR is being prepared.

Please refer questions concerning environmental review to Robin Tuohy, Environmental Scientist, at Robin.Tuohy@slc.ca.gov and Christine Day, Environmental Scientist, at Christine.Day@slc.ca.gov. For questions concerning Commission leasing jurisdiction, please contact Kelly Connor, Public Land Management Specialist III, at Kelly.Connor@slc.ca.gov. For questions related to the BCER, please contact Wendy Hall, Environmental Program Manager, at Wendy.Hall@slc.ca.gov.

Sincerely,



Nicole Dobroski
Chief Division of Environmental Science,
Planning, and Management

Attachments:

- 1) February 24, 2024, letter from Commission staff to City of Huntington Beach and Code Four
- 2) August 25, 2023, letter from Commission staff to City of Huntington Beach

cc: Office of Planning and Research
R. Tuohy, Commission

C. Day, Commission
K. Connor, Commission
W. Hall, Commission
L. Calvo, Commission
Y. Ramirez, Commission

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February 20, 2024

File ref: Lease 6616

Sent via postal and E-Mail (Eric.Parra@surfcity-hb.org)

Mr. Eric G. Parra
Interim City Manager
City of Huntington Beach
2000 Main Street
Huntington Beach, California 92648

Mr. Kevin Elliott
Chief Executive Officer
Code Four
5252 Bolsa Ave
Huntington Beach, CA 92649

SUBJECT: Required Application for Commission Authorization for the Operation and Maintenance of Huntington Beach Pier and Pacific Ocean AND Conditions to Protect the Bolsa Chica Ecological Reserve

Dear Mr. Parra and Mr. Elliott:

In 2023, the State Lands Commission (Commission) sent two letters to the city of Huntington Beach (City) and the event operator, Code Four prior to last year's Huntington Beach Pacific Airshow expressing concerns which were subsequently not addressed by either the City or Code Four. The letters are attached. These issues remain unresolved, and the Commission requests coordination with the City and Code Four to reach a mutually satisfactory resolution on these matters and to achieve a satisfactory approach for the conduct of future Pacific Airshows. Commission staff is aware of the Notice of Preparation/Initial Study the City has issued for an Environmental Impact Report

for the Airshow, and staff will send a separate CEQA comment letter as part of the CEQA process.

Required Application for Commission Authorization for the Operation and Maintenance of Huntington Beach Pier and Sovereign Land in the Pacific Ocean:

In 2023, the City permitted Code Four for an event known as the Huntington Beach Pacific Airshow that occurred in and around the Pacific Ocean, near and on the Huntington Beach Pier. This is to advise you that the activity constituted an unauthorized use of State land, under the jurisdiction of the California State Lands Commission (Commission), well outside of the City's current lease rights.

As a reminder, the Commission authorized Lease PRC 6616, a General Lease – Public Agency Use, to the City for the operation and maintenance of an existing public municipal pier (Huntington Beach Pier or Pier) and related concessions. That lease was authorized for a term of 25 years, beginning June 21, 2018.

Based on the information available, the 2023 event occurred for three days, from September 29th through October 1st, with airshow flights between 10:30 am to 4:30 pm, and a festival near the Huntington Beach Pier on all three days until 8:00 pm. Additionally, staff understands that the public Pier was closed to the general public on all three days of the event and that the event operator allowed access to the Pier through the purchase of a ticket sold by a private vendor. While staff were informed by the City that public access to the pier would still be available during the event, photographs of the pier during the event do not indicate that public access was provided. In addition, the event required the temporary placement of 16 large white buoys along a 12,000-foot line 500 feet offshore, as well as other buoys marking a “sterile aerobatic box” area, within the Commission's jurisdiction. This degree of restriction on public access and recreation along the beach and in the ocean, where boating was also restricted during the event, is not authorized by the City's lease. The lands waterward of the ordinary high-water mark remain ungranted sovereign lands under the management of the Commission.

As a reminder, the City's lease acknowledges that the Premises are subject to the Public Trust and are available to members of the public. Per Section 2, Paragraph 3 of the lease:

“Lessee acknowledges that the Lease Premises are subject to the Public Trust and are presently available to members of the public for recreation,

waterborne commerce, navigation, fisheries, open space, and any other recognized Public Trust uses. Lessee also agrees that any proposed construction activities and subsequent use of the Lease Premises shall not unreasonably interfere with or limit Public Trust rights and shall do so only to the extent necessary to protect public health and safety during construction activities authorized by Lessor, or when imminent threats to public health and safety are present."

The closure of the Pier to the general public requires Commission authorization. An application for Commission authorization is urgently required to avoid continued violations of the lease and unauthorized use for future proposed events.

The lease application is available online through our website at <https://www.slc.ca.gov/leases-permits/>. A video is available to assist you in completing the application process. Please note that applications can take a minimum of six months to process and schedule for consideration. We encourage the City to complete and submit an application as soon as possible. The Online Application will require the City to provide the following (at a minimum):

- Copies of all currently approved or in process permits for the event with the City of Huntington Beach, United States Coast Guard, California Coastal Commission, and California Department of Fish and Wildlife.
- A description of the closure, impacts, and timeline of the event.
- An Approximate Expense Deposit for application review and processing.
- Photos or diagrams showing where the closure of the pier begins.

Required Application for Lease from Event Operator, Code Four:

Airshow activities described above, including those occurring on and over the water (e.g., placement of buoys, etc.) and on the portions of the Pier that stand on land waterward of the ordinary high-water mark, also require Code Four to obtain Commission authorization.

The lease application is available online through our website at <https://www.slc.ca.gov/leases-permits/>. A video is available to assist you in completing the application process. Please note that applications can take a minimum of six months to process and schedule for consideration. We encourage you to complete and submit an application as soon as possible. The Online Application will require you to provide the following (as a minimum):

- Copies of all currently approved or in process permits with the City of Huntington Beach, United States Coast Guard, California Coastal Commission, and California Department of Fish and Wildlife.
- A drawing of the existing activity area, including all dimensions and proposed improvements.
- Specific location information on placement of marker buoys.
- Specific location information on placement of temporary airstrips/helipads and any other potential encroachments and activities waterward of, or adjacent to the ordinary high-water mark.
- An Approximate Expense Deposit for application review and processing.

If you fail to apply to the Commission for a lease, as codified in California Public Resources Code sections 6224.3 and following, trespassing structures (including but not limited to buoys) may be subject to administrative enforcement. After an administrative enforcement action, the Commission may impose penalties of up to \$1,000 per day until a lease is obtained or the structures are removed.

Conditions to Protect the Bolsa Chica Ecological Reserve:

The Commission owns approximately 1200 acres of sovereign lands in the Bolsa Chica Ecological Reserve (BCER). The Commission leases these lands to the California Department of Fish and Wildlife (CDFW) for on-site management. Additionally, the Commission, along with five other state and federal agencies informally referred to as the Bolsa Chica Steering Committee, provides overall management oversight of BCER.

Portions of the BCER contain active oil operations, including operating wells and pipelines maintained by California Resources Corporation. An aircraft accident in this area could create legal liability for the parties responsible, in addition to potentially causing ecological and human health and safety damage.

CDFW is responsible for the daily on-site management of the BCER, which provides habitat for a rich diversity of fish, wildlife, and plant species, including many listed and special status species. The department is also responsible for regulatory enforcement and management of related recreational, commercial, scientific, and educational uses.

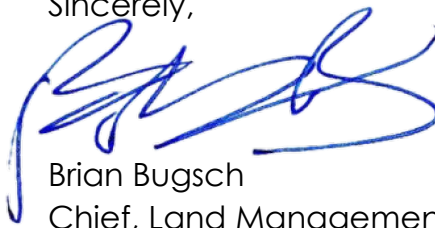
During the 2023 airshow, repeated low flyovers by the airshow jets caused disruptions in the normal behavior patterns of many bird species, including

feeding and sheltering at BCER. These repeated low flyovers harassed the bird populations and caused them to take flight each time the airplanes flew over. This action is considered a "take" and is in violation of California Code of Regulations, title 14, section 251.1. Additionally, under sections 550, 630 (18), and 632 (121), (122) of title 14, no aircraft operations are permitted in a reserve, and low flyovers are in violation. The sound pollution and overhead flights pose a threat to birds and other wildlife. The BCER is a critical stopover along the Pacific Flyway for hundreds of migratory bird species which are protected under the Migratory Bird Treaty Act of 1918 (MBTA, 16.U.S.C §§ 703-712). These also include threatened and endangered species which are protected under the Federal Endangered Species Act of 1973 (16 U.S.C §§ 1531-1544), and the California Endangered Species Act of 1970 (Fish & G. Code, Ch. 1.5, §§ 2050-2115.5). A few that depend heavily on the BCER include the Western snowy plover, Light-footed Ridgway's rail, Coastal California gnatcatcher, and the Belding's savannah sparrow.

We request your cooperation and compliance in these matters and urge the City to contact the Commission to:

- 1) As described above, submit a lease application immediately or contact our office for a meeting to discuss. If you have any questions, please contact either Ken Foster at (916) 574-2555 or by email at kenneth.foster@slc.ca.gov or Kelly Connor at (916) 574-0343 or by email at kelly.connor@slc.ca.gov.
- 2) Impose conditions on approvals for the 2024 Airshow and future events which disallow any flights directly over the BCER. If you have any questions, please contact Wendy Hall at (916)-574-0994 or wendy.hall@slc.ca.gov.

Sincerely,



Brian Bugsch
Chief, Land Management Division

cc: see next page

cc: Michael Gates, City Attorney, City of Huntington Beach
Seth Blackmon, CLSC Legal Division
Warren Crunk, CSLC Legal Division
Lucinda Calvo, CSLC Legal Division
Ken Foster, CSLC Land Management Division
Kelly Connor, CSLC Land Management Division
Wendy Hall, CSLC Executive Division

Attachments

STATE OF CALIFORNIA

GAVIN NEWSOM, Governor

**CALIFORNIA STATE LANDS
COMMISSION**

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



Established in 1938

JENNIFER LUCCHESI, Executive Officer

916.574.1800

TTY CA Relay Service: **711** or Phone **800.735.2922**

from Voice Phone **800.735.2929**

or for Spanish **800.855.3000**

Contact Phone: 916.574.1900

August 25, 2023

Sent via postal and E-mail (Michael.Gates@surfcity-hb.org)

Michael E. Gates
City Attorney
City of Huntington Beach
2000 Main Street
Huntington Beach, California

Subject: Huntington Beach Airshow – conditions to protect the Bolsa Chica
Ecological Reserve

Dear Mr. Gates,

The California State Lands Commission (Commission) and California Department of Fish and Wildlife (CDFW) are jointly submitting this letter to address several concerns regarding the upcoming Huntington Beach Pacific Airshow scheduled for September 29th through October 1st, 2023.

As background, the Commission manages four million acres of sovereign tide and submerged lands, the beds of natural, navigable waterways including lakes and rivers, and school lands. The mission of the Commission is to provide the people of California with effective stewardship of the lands, waterways, and resources entrusted to its care through preservation, restoration, enhancement, responsible economic development, and the promotion of public access. This stewardship of sovereign lands and natural resources is guided by the common law Public Trust Doctrine, the California Constitution, various laws, and regulations specific to the Commission, and statutory trust grants.

The Commission owns approximately 1200 acres of sovereign lands in the Bolsa Chica Ecological Reserve (BCER). The Commission leases these lands to the CDFW for on-site management. Additionally, the Commission, along with five other state and federal agencies informally referred to as the Bolsa Chica Steering Committee, provides overall management oversight of BCER.

Portions of the BCER contain active oil operations, including operating wells and pipelines maintained by California Resources Corporation. An aircraft accident in this area could create legal liability for the parties responsible, in addition to potentially causing ecological and human health and safety damage.

CDFW manages California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. CDFW is responsible for the management of over 1.1 million acres of fish and wildlife habitat spanning over 700 properties statewide. These properties provide habitat for a rich diversity of fish, wildlife, and plant species and comprise habitats from every major ecosystem in the state. CDFW is responsible for regulatory enforcement and management of related recreational, commercial, scientific, and educational uses.

During the 2021 and 2022 airshow, several incidents occurred that caused disruptions in the normal behavior patterns of many bird species, including feeding and sheltering at Bolsa Chica Ecological Reserve. Disturbances included dropping streamers in the BCER, causing potential harm to wildlife and fire risk, and repeated low flyovers, which harassed the bird populations and caused them to take flight each time the airplanes flew over. This latter action is considered a "take" and is in violation of CCR T-14 251.1. Additionally, under Section 630 (17) of Title 14 "no aircraft operations are permitted in a reserve, and low flyovers are in violation". The sound pollution and overhead flights pose a threat to birds and other wildlife. The BCER is a critical stopover along the Pacific Flyway for hundreds of migratory bird species which are protected under the Migratory Bird Treaty Act of 1918 (MBTA, 16.U.S.C 703-712). These also include threatened and endangered species which are protected under the Federal Endangered Species Act of 1973 (16 U.S.C 1531-1544), and the California Endangered Species Act of 1970 (FGC, 1.5, 2050-2115.5). A few that depend heavily on the BCER include the Western snowy plover, Light-footed Ridgway's rail, Coastal California gnatcatcher, and the Belding's savannah sparrow.

In order to avoid a reoccurrence of these concerns this year for the 2023 airshow, we request compliance with the following conditions:

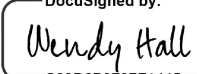
1. No flyovers will occur over BCER.
2. No streamers or any other debris will be dropped over the BCER.

Page **3** of **3**

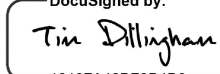
We would be happy to meet with you to discuss these concerns and reach a mutual concurrence on a protocol for the event that accommodates the airshow, while protecting the natural resources of BCER.

Please confirm receipt of this letter.

Sincerely,

DocuSigned by:

C23D6B9797F1445...

Wendy Hall
Environmental Program Manager
Special Projects Liaison
California State Lands Commission

DocuSigned by:

18197A48BF3B4B6...

Tim Dillingham
Environmental Program Manager
Lands and Wildlife, South Coast Region
California Department of Fish & Wildlife

cc:

Michael E. Gates, Attorney, City of Huntington Beach
Al Zelinka, Manager, City of Huntington Beach
Ashley Wysocki, Deputy Director, Community & Library Services, City of Huntington Beach
Kevin Elliott, CEO, Code Four, Airshow, LLC
Gregory McDonald, Long Beach Front Line Manager, Federal Aviation Administration
Lucinda Calvo, Attorney IV, CA State Lands Commission

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916.574.1800

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from Voice Phone **800.735.2929**
or for Spanish **800.855.3000**

Contact Phone: 916.574.1900

March 4, 2024

SCH # 2024020006

Connor Hyland
Senior Deputy City Attorney
City of Huntington Beach
Office of the City Attorney
2000 Main Street, Fourth Floor
Huntington Beach, CA 92648
connor.hyland@surfcity-hb.org

**Subject: Amendment to comment letter for the Pacific Airshow (SCH 2024020006)
from California State Lands Commission to the City of Huntington Beach**

Dear Connor Hyland,

California State Lands Commission staff submit the attached letter as part of the agency's comments on the Notice of Preparation for a Draft Environmental Impact Report for the Pacific Airshow Huntington Beach Project. Please consider the attached letter along with the previously-submitted letter and other associated attachments.

Sincerely,

A handwritten signature in black ink that reads "Nicole Dobroski". The signature is written in a cursive, flowing style.

Nicole Dobroski, Chief
Division of Environmental Science, Planning, and
Management

STATE OF CALIFORNIA

GAVIN NEWSOM, Governor

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Contact Phone: 916.574.1900

August 10, 2023

File ref: Lease 6616

Sent via postal and E-Mail (Michael.Gates@surfcity-hb.org)

Michael E. Gates
City Attorney
City of Huntington Beach
2000 Main Street
Huntington Beach, California 92648

SUBJECT: Required Application for an Amendment of Lease PRC 6616, a General Lease – Public Agency Use for the Operation and Maintenance of Huntington Beach Pier

Dear Mr. Gates:

Our records indicate that that the City has permitted an operator for an event known as the Huntington Beach Pacific Airshow that will occur in and around the Pacific Ocean, near and on the Huntington Beach Pier. This is to advise you that the proposed activity constitutes an unauthorized use of State land, under the jurisdiction of the California State Lands Commission (Commission), well outside of the City's current lease rights.

As a reminder, the Commission authorized Lease PRC 6616, a General Lease – Public Agency Use, to the City of Huntington Beach (City) for the operation and maintenance of an existing public municipal pier (Huntington Beach Pier or Pier) and related concessions. That lease was authorized for a term of 25 years, beginning June 21, 2018. Staff has become aware that a proposed event, the Huntington Beach Pacific Airshow, will utilize the Pier.

Based on the information available, the proposed event will occur for three days, from September 29th through October 1st, will have airshow flights

City of Huntington Beach

Page 2

between 10:30 am to 4:30 pm, and a festival near the Huntington Beach Pier on all three days until 8:00 pm. Additionally, staff understands that the public Pier will be closed to the general public on all three days of the event and that the event operator will only allow access to the Pier through the purchase of a ticket sold by a private vendor. The event requires temporary placement of 16 large white buoys along a 12,000-foot line 500 feet offshore, as well as other buoys marking a "sterile aerobic box" area, within the Commission's jurisdiction. This degree of restriction on public access and recreation along the beach and in the ocean, where boating will also be restricted, during the event is not authorized by the City's lease. The lands waterward of the ordinary high-water mark remain ungranted sovereign lands under the management of the Commission.

As a reminder, the City's lease acknowledges that the Premises are subject to the Public Trust and are available to members of the public. Per Section 2, Paragraph 3 of the lease:

"Lessee acknowledges that the Lease Premises are subject to the Public Trust and are presently available to members of the public for recreation, waterborne commerce, navigation, fisheries, open space, and any other recognized Public Trust uses. Lessee also agrees that any proposed construction activities and subsequent use of the Lease Premises shall not unreasonably interfere with or limit Public Trust rights and shall do so only to the extent necessary to protect public health and safety during construction activities authorized by Lessor, or when imminent threats to public health and safety are present."

The closure of the Pier to the general public requires Commission authorization through the form of an amendment to the lease. An application for a lease amendment is urgently required for the proposed event.

The lease application is available online through our website at <https://www.slc.ca.gov/leases-permits/>. A video is available to assist you in completing the application process. We encourage the City to complete and submit an application as soon as possible. The Online Application will require the City to provide the following (at a minimum):

- Copies of all currently approved or in process permits for the event with the City of Huntington Beach, United States Coast Guard, California Coastal Commission, and California Department of Fish and Wildlife.
- A description of the closure, impacts, and timeline of the event.
- Photos or diagrams showing where the closure of the pier begins.

City of Huntington Beach

Page 2

We request your cooperation in this matter and urge the City to submit a lease application immediately or contact our office for a meeting to discuss. If you have any questions, please contact either Ken Foster at (916) 574-2555 or by email at kenneth.foster@slc.ca.gov or Kelly Connor at (916) 574-0343 or by email at kelly.connor@slc.ca.gov.

Sincerely,

DocuSigned by:

Seth Blackmon

D4AAC71802234D2

Seth Blackmon

Chief Counsel, Legal Division

cc: Al Zelinka, City Manager, City of Huntington Beach
Warren Crunk, CSLC Legal Division
Lucinda Calvo, CSLC Legal Division
Ken Foster, CSLC Land Management Division
Kelly Connor, CSLC Land Management Division

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GAVIN NEWSOM, Governor

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or for Spanish **800.855.3000**

Contact Phone: 916.574.1900

August 10, 2023

Sent via postal and E-Mail (info@pacificairshow.com)

Pacific Airshow, LLC
5252 Bolsa Avenue
Huntington Beach, CA 92649

SUBJECT: State Lands Lease Required for the Proposed Pacific Airshow in the Pacific Ocean, Huntington Beach, Orange County

Dear Pacific Airshow, LLC:

Our records indicate that you are the planned operator of the Huntington Beach Pacific Airshow that will occur in and along the Pacific Ocean, near and on the Huntington Beach Pier. This is to advise you that the proposed activity will occupy State land under the jurisdiction of the California State Lands Commission (Commission).

As general background, the Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code §§ 6009, 6009.1, 6301, and 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine.

The State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit

Pacific Airshow, LLC

Page 2

of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court decision. Such boundaries may not be readily apparent from present day site inspections

Additionally, please be advised that the Pacific Ocean is subject to the Public Right of Navigation. This right provides that the public may navigate and exercise the incidents of navigation in a lawful manner. Such uses may include, but are not limited to, boating, fishing, hunting, swimming, bathing, standing, wading along the waterfront, anchoring, picnicking, bird watching, and nature study (*People ex rel. Baker v. Mack* (1971) 19 Cal.App.3d 1040). Events and activities are not allowed to restrict or impede the navigation and recreational rights of the public except under limited circumstances, and only with the advance approval and authorization of the Commission.

Based on the information available, staff understands that the proposed event will occur for three days, from September 29th through October 1st, will have airshow flights between 10:30 am to 4:30 pm, and festival near the Huntington Beach Pier on all three days until 8:00 pm. Additionally, staff understands that the public Huntington Beach Pier will be closed to the public on all three days of the event. There will also be restricted public recreational access along the beach and in the ocean during the event, and boating in the area will be restricted. Moreover, the event requires temporary placement of 16 large white buoys along a 12,000-foot line 500 feet offshore, as well as other buoys marking a "sterile aerobatic box" area, within the Commission's jurisdiction. You are therefore required to obtain a lease from the Commission for the use of State land.

The lease application is available online through our website at <https://www.slc.ca.gov/leases-permits/>. A video is available to assist you in completing the application process. We encourage you to complete and submit an application as soon as possible. The Online Application will require you to provide the following (as a minimum):

- Copies of all currently approved or in process permits with the City of Huntington Beach, United States Coast Guard, California Coastal Commission, and California Department of Fish and Wildlife.
- A drawing of the existing activity area, including all dimensions and proposed improvements.

Pacific Airshow, LLC

Page 2

If you fail to apply to the Commission for a lease, as codified in California Public Resources Code sections 6224.3 and following, trespassing structures may be subject to administrative enforcement. After an administrative enforcement action, the Commission may impose penalties of up to \$1,000 per day until a lease is obtained or the structures are removed.

We request your cooperation in this matter and urge you to submit a lease application immediately or contact our office for a meeting to discuss. If you have any questions, please contact either Ken Foster at (916) 574-2555 or by email at kenneth.foster@slc.ca.gov or Kelly Connor at (916) 574-0343 or by email at kelly.connor@slc.ca.gov.

Sincerely,

DocuSigned by:

Seth Blackmon

D4AAC71802234D2...
Seth Blackmon

Chief Counsel, Legal Division

cc: Warren Crunk, Legal Division
Lucinda Calvo, Legal Division
Ken Foster, Land Management Division
Kelly Connor, Land Management Division